

REMARKS

In the Office Action of May 18, 2009, claims 1-19 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The Examiner set forth several examples of problems in the language in claims 1, 2, 3, and 11. Claims 1-19 have now been edited to remove the reference numbers which are not preferred under U.S. practice. In addition, the claims have been edited to correct matters involved under 35 U.S.C. § 112, second paragraph without affecting the scope of the claims, except where noted in the paragraphs below concerning the prior art.

If the Examiner sees a better way to express the subject matter of the claims than has been presented in the amendment, the undersigned is welcomed to any further suggestions the Examiner may have.

Claims 1-19 were also rejected under 35 U.S.C. 103(a) as being unpatentable over Remericq (FR 2778898 A1) in view of Guttinger (US 5,261,522).

With respect to claim 1, it was said that Remericq discloses a device comprising:

- plurality of compartments 1A moved along a path (indicated generally as 1B) that is perpendicular to compartments,
- transfer device 1R to withdraw individual objects from an occupied compartment and to insert objects into an empty compartment

- ejection device to eject objects forming a stack.

It was further said that Guttinger discloses an ejection device 12, 58, 76 and compartments that move along a revolving chain 18, 19. Therefore, it was said to have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Remericq to include an ejection device and revolving chains, as per the teachings of Guttinger, to allow differences between accumulator infeeds and outfeeds that allows for differing relative speeds, C1.

In response to this rejection, claims 1 and 3 have been further amended to define over the prior art.

In particular, claim 1 has been amended to recite "wherein the transfer device moves said respective object from said occupied one of the plurality of compartments to said empty one of the plurality of compartments without changing an orientation of said object."

Referring to Remericq, Fig. 2, it can be seen that the object 3 is removed from a compartment pinched between two belts which travel around the wheel and reverse the direction or orientation of the object relative to the series of compartments. This is a curved path of travel for the objects from the compartment of removal to the compartment of insertion.

Beside the amendment to claim 1, claim 3 has also been amended to further recite: "wherein the transfer device moves the object in a straight line direction of movement from said occupied one of the plurality of compartments to said empty one of the plurality of compartments." Guttinger was only recited to show structure that allow differences between

accumulated infeeds and outfeeds that allow for different relative speeds.

Therefore, claims 1 and 3 are now seen to patentably define over the cited prior art.

Claim 11 has been amended in the last five lines as suggested in the Office Action to positively recite method steps of "inserting" and "ejecting". In addition, claim 11 has now been amended to recite "wherein the selected object does not change orientation while the selected object is being moved out of one compartment and inserted into another compartment."

Claim 14 has now been amended to recite the step of moving the compartments along a path having at least two approximately parallel sections wherein the movements in these two sections run in the opposite directions, and wherein an object is transferred from an occupied compartment in one section when empty compartment in the second section. This clearly distinguishes from the cited prior art.

#### CONCLUSION

In view of the Amendment and Remarks, reconsideration of the application is respectfully requested. Claims 1-19 are now pending and a Notice of Allowance for these claims is respectfully requested.

Respectfully submitted,

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